

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

VIRGINIA BEACH MUSIC, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NUMBER:
)	2:06-cv-90-WKW
MONTGOMERY MAULERS, LLC, et al.)	
)	
Defendants.)	

AFFIDAVIT OF DYLAN C. BLACK

STATE OF ALABAMA)
 :
JEFFERSON COUNTY)

Dylan C. Black, being duly sworn, deposes and says:

1. I am an attorney in the Birmingham office of Bradley Arant Rose & White LLP (“Bradley Arant”) and am counsel of record for the plaintiffs in the above-captioned action: Virginia Beach Music, Carter Boys Publishing, WB Music Corp., Mass Confusion Music, Center City Music, Pal-Park Music and EMI Full Keel Music Co. (“Plaintiffs”). I am competent to testify to the matters contained in this affidavit, which are true and correct based on my personal knowledge.

2. Defendant Montgomery Maulers, LLC was duly served on January 31, 2006, with the summons and complaint filed by Plaintiffs. The Return of Service as executed by the process server is attached to my affidavit as Exhibit A. More than 20 days have elapsed since the date on which Montgomery Maulers, LLC, was served with the summons and a copy of the complaint.

3. Defendant Jamie Lamunyon was duly served on January 31, 2006, with the summons and complaint filed by Plaintiffs. The Return of Service as executed by the process server is attached to my affidavit as Exhibit B. More than 20 days have elapsed since the date on which Jamie Lamunyon was served with the summons and a copy of the complaint.

4. Defendant Wayne Lamunyon was duly served on January 31, 2006, with the summons and complaint filed by Plaintiffs. The Return of Service as executed by the process server is attached to my affidavit as Exhibit C. More than 20 days have elapsed since the date on which Wayne Lamunyon was served with the summons and a copy of the complaint.

5. Defendant Montgomery Maulers, LLC, is a corporation and is not an infant or unrepresented incompetent person.

6. Defendant Jamie Lamunyon is not an infant or unrepresented incompetent person.

7. Defendant Wayne Lamunyon is not an infant or unrepresented incompetent person.

8. This affidavit is executed in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, for the purpose of enabling Plaintiffs to obtain an entry of default against Defendants Montgomery Maulers, LLC, Jamie Lamunyon and Wayne Lamunyon for their failure to answer or otherwise defend as to Plaintiffs' complaint.



Dylan C. Black, Affiant

Sworn to and subscribed before me on this the 10th day of March, 2006.



Notary Public

My Commission Expires: 1-10-2008

[NOTARIAL SEAL]

CERTIFICATE OF RETENTION OF ORIGINAL

As attorney for the filer of this document, I hereby certify that the filer or the filer's attorney currently holds the original signature document with any required formalities, will make the same available upon request of the Court or of a party, and will retain the hard copy of the same for one year after the expiration of all time periods for appeals, or resolution of appeals, whichever is later.

s/ Dylan C. Black
Attorney for Plaintiffs